

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

_____	)	<b>No. 05 10416 MEL</b>
MUSKET RESEARCH ASSOCIATES, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
OVION, INC., WILLIAM S. TREMULIS,	)	
and JEFFREY P. CALLISTER,	)	
	)	
Defendants.	)	
_____	)	
OVION, INC.,	)	
	)	
Counterclaimant,	)	
	)	
v.	)	
	)	
MUSKET RESEARCH ASSOCIATES, INC.,	)	
DAVID B. MUSKET, and	)	
SUE ANN LATTERMAN,	)	
	)	
Counterdefendants.	)	
_____	)	

**JOINT STATEMENT FOR INITIAL SCHEDULING CONFERENCE**

Pursuant to the Notice of Scheduling Conference, and in accordance with Federal Rule of Civil Procedure 16(b) and Local Rule 16.1, counsel for the plaintiff and counterdefendant Musket Research Associates, Inc. and counterdefendants David B. Musket and Sue Ann Latterman and counsel for the defendant and counterclaimant Ovion, Inc. and defendants William S. Tremulis and Jeffrey P. Callister have conferred and submit the following:

I. PROPOSED AGENDA OF MATTERS TO BE DISCUSSED AT SCHEDULING CONFERENCE

- A. Establishment of a pretrial schedule, including deadlines for discovery and motion filings.
- B. Plaintiff's settlement proposal.
- C. Alternative Dispute Resolution programs such as those set forth in Local Rule 16.4, including possible binding arbitration.

II. PROPOSED PRE-TRIAL SCHEDULE

Commence fact discovery	7/29/05
Exchange of Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1)	8/23/05
Close of fact discovery. Discovery requests shall be served so that responses and production can be timely completed by this date. Fact depositions shall be noticed to be timely completed by this date	1/26/06
Plaintiff's and Counterdefendants' Expert Report(s) due	2/2/06
Defendants' and Counterclaimant's Expert Report(s) due	2/23/06
Completion of expert discovery	3/23/06
Last day to file summary judgment motions	4/20/06
Pretrial conference	6/08/06
Trial date	6/22/06

III. CERTIFICATION OF CONFERENCE REGARDING BUDGET AND ALTERNATIVE  
DISPUTE RESOLUTION

The parties will file their Local Rule 16(D)(3) certifications at the Initial Scheduling Conference.

Respectfully submitted,

OVION, INC., WILLIAM S. TREMULIS  
and JEFFREY P. CALLISTER

By their attorneys,

/s/ Dale A. Malone

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Dated: August \_\_, 2005

Respectfully submitted,

MUSKET RESEARCH ASSOCIATES, INC.  
DAVID B. MUSKET and

SUE ANN LATTERMANN

By their attorneys,

/s/ Brooks A. Ames

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